REMARKS

Claims 1-21 are pending in this application. Claims 1, 7, 8, 15, 16, and 17 are currently amended. Claims 18-21 have been added. Support for the claim amendments and added claims can be found in the specification at least in paragraphs [0007], [0023], [0037], [0040], [0044], and [0046]. Claims 1, 7, 8, 15, 16, and 17 are independent claims.

In the Office Action, claims 1-17 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent U.S. 6,415,257 to Junqua et al. ("Junqua"). The Office Action presents new grounds of rejection.

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully requests that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

I.   Claim Rejections – 35 U.S.C. § 102

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

7

A.   Independent claim 1

Independent claim 1, as currently amended, recites in part "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data." Junqua fails to teach or suggest "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data," as recited by Applicants' claim 1. (Emphasis added.)

Junqua discloses "a system and method for controlling interaction with the television using speech," wherein a user of the system requests programming, and the system displays or reports a response. (Junqua, col. 1, lines 6-12; col. 3, line 45-col. 4, line 11.) In Junqua, the system "ascertains the identity of the speaker" in order to load user preferences for the speaker, including a user history. (Junqua, col. 1, lines 42-67.) The history is used "to assist in filling in empty slots before asking the speaker for the information." (Junqua, col. 4, lines 62-64.) "If a sufficient number of slots have been filled, then [Junqua] will ask the speaker to verify and confirm the program selection. Thus, if any assumptions made by the dialog manager 130 through the use of dialog history data file 167 prove to be incorrect, then the speaker can correct the assumption." (Junqua, col. 5, lines 6-11.) Thus, in contrast to "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data," Junqua instead discloses correcting assumptions made regarding current or historical user input. (Emphasis added.) Indeed, Junqua's approach of using a system to identify problems with user input is exactly opposite to the invention as disclosed by Applicants' claim 1, which uses "retrieved event data" to "identify[] potential problem areas with at least one of the one or more speech applications." For at least these reasons, Junqua fails to anticipate and in fact teaches away from the invention as recited by Applicants' claim 1.

Moreover, Junqua further fails to teach or suggest "presenting the response to aid in improving the performance of the one or more speech applications," within the context of "formulating a response to the request using the identified potential problem areas" as recited by Applicants' claim 1. At most, Junqua discloses displaying programming on a display, without

8

"aid[ing] in improving the performance of the one or more speech applications." For at least these additional reasons, Junqua fails to anticipate each and every element of Applicants' claim 1.

In sum, Junqua fails to teach or suggest "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data" and "presenting the response to aid in improving the performance of the one or more speech applications" as recited by Applicants' claim 1. Thus, Junqua does not teach each and every element of independent claim 1, as required in *Verdegaal Bros.* Accordingly, for at least the foregoing reasons, claim 1 is patentable over Junqua and is in condition for allowance.

B.   Independent claim 7

Applicants submit that independent claim 7 is patentable over Junqua at least for reasons similar to those set forth above regarding independent claim 1. Independent claim 1 recites "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data." Independent claim 7 contains the similar recitation "means for periodically analyzing the event data to identify potential problem areas with at least one of the one or more speech applications." Although claim 7 is a means plus function claim and recites different details than claim 1, claim 7 is patentable over Junqua for at least reasons similar to those set forth above regarding independent claim 1. Additionally, claim 1 recites "to aid in improving the performance of the one or more speech applications" and claim 7 recites "to aid in improving the performance of one or more of the speech application systems." Although claim 1 recites "speech applications" and claim 7 recites "speech application systems," Junqua still lacks the required teachings.

Additionally, claim 7 further recites "means for periodically analyzing the event data to identify potential problem areas with at least one of the one or more speech applications, using the retrieved event data." The Examiner cited "(col. 4, line 1 to col. 5, line 33, particularly col. 4, line 62 to col. 5, line 10)" of Junqua as disclosing these claim elements. However, Applicants respectfully disagree that Junqua teaches or suggests at least these additional claim elements of

9

claim 7. Junqua fails to teach or suggest "periodically analyzing the event data," as recited by claim 7. (Emphasis added). In contrast, the system as disclosed by Junqua is driven solely by "speech input 10" from the user, not any periodic process. (Junqua, figure 1). The sections of Junqua cited by the Examiner for these claim elements confirm this, merely disclosing the use of a "dialog history file 167 to check what movies the user has already viewed or rejected in a previous dialog exchange." (Id, col. 5, lines 1-3). The "dialog history file" is used only to aid in the response to user input, which clearly is not "periodically analyzing the event data."

Thus, Junqua does not teach each and every element of independent claim 7, as required in *Verdegaal Bros*. Accordingly, for at least the foregoing reasons, claim 7 is patentable over Junqua and is in condition for allowance.

C.   Independent claims 8, 15, 16, and 17

Independent claims 8, 15, 16, and 17 are also patentable over Junqua for reasons similar to those set forth above regarding claims 1 and 7.

For example, independent claim 8 recites to "identify potential problem areas with at least one of the distributed speech application systems, using the retrieved event data," and independent claim 1 recites, "identifying potential problem areas with at least one of the one or more speech applications, using the retrieved event data." Although claim 8 recites a voice stream analyzer and mentions distributed speech applications, and independent claim 1 recites a method, as discussed above with regard to claim 1 Junqua lacks the required teachings. As another example, claim 1 recites "presenting the response to aid in improving the performance of the one or more speech applications," and claim 8 recites "provide the response to aid in improving performance of one or more of the speech applications." Although claim 1 recites "presenting the response" and claim 8 recites "provide the response," Junqua lacks the required teachings.

Similarly, independent claim 15 recites in part to "identify potential problem areas with at least one of the one or more speech application systems, using the retrieved event data," and to

10

"provide the response to aid in improving the performance of one or more of the speech application systems." Although claim 15 recites a network and claim 1 recites a method, for similar reasons as discussed above with regard to claim 1, Junqua fails to teach or suggest these recitations of claim 15 as well.

Moreover, as currently amended, independent claim 16 recites in part "periodically analyzing the event data to identify potential problem areas with at least one of the one or more speech applications." As discussed above with regard to independent claim 7, Junqua fails to teach or suggest "periodically analyzing the event data." Although claim 7 recites a system and claim 16 recites a method, Junqua lacks the required teachings. Further, as discussed above with regard to independent claim 1, Junqua fails to teach or suggest "to identify potential problem areas with at least one of the one or more speech applications," and "presenting the results to aid in improving the performance of the one or more speech applications" as recited by claim 16. Although claim 1 and claim 16 recite methods with different details, Junqua still lacks the required teachings.

Additionally, independent claim 17 recites in part to "periodically analyze the event data in the database to identify potential problem areas with at least one of the one or more speech applications associated with the user interactions," and "provide results of the periodic analysis to aid in improving performance of one or more of the speech applications." As discussed above with regard to claims 1 and 7, although claim 17 recites a voice stream analyzer and different details, Junqua lacks the required teachings.

Accordingly, for at least the foregoing reasons, claims 8, 15, 16, and 17 are patentable over Junqua and Applicants respectfully request that the Examiner withdraw the rejection of these claims, which also are in condition for allowance.

D.   Dependent claims 2-6, 9-14, and 18-21

All dependent claims depend either directly or indirectly from one of claims 1, 7, 8, 15, 16 or 17. Therefore, claims 2-6, and 9-14 are in condition for allowance at least because they are

11

dependent from one of the independent claims 1, 8, 15, 16, or 17. Nevertheless, these dependent claims also recite independently patentable subject matter.

For example, dependent claim 2 recites in part, "wherein the one or more speech applications are associated with a plurality of distributed speech application systems," but Junqua does not teach or suggest at least a "distributed" system. As another example, dependent claim 3 recites in part, "wherein the event data includes information regarding verbal and non-verbal exchanges," but Junqua does not teach or suggest "non-verbal exchanges," only the parsing of "verbal" commands from a user.

Additionally, new dependent claims 18-21 set forth additional patentable subject matter not disclosed by Junqua. For example, Junqua fails to teach or suggest "potential problem areas," let alone "wherein the potential problem areas include where users often asked for a human agent, where users typically disconnected the call, or where time-outs often occurred" as recited by claims 19 and 21. In contrast Junqua merely discloses requesting further user input. Junqua also fails to teach or suggest "wherein the event data includes at least one of recognizer events, platform events, dialog module events, or application events" as recited by claims 18 and 20.

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CONCLUSION

In view of the above amendment, applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65632-0230 from which the undersigned is authorized to draw.

Dated: January 9, 2008   Respectfully submitted,

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